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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,315	02/27/2004	Jason T. Griffin	13210-18	4333
1059 7590 06/08/2009 BERESKIN AND PARR LLP/S.E.N.C.R.L., s.r.l. 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA				
			EXAMINER KEATON, SHERROD L	
			ART UNIT 2175	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/787,315

**Applicant(s)**

GRIFFIN, JASON T.

**Examiner**

Sherrod Keaton

**Art Unit**

2175

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7-21-2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-12, 15,22-28,31 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-12, 15,22-28,31 and 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is in response to the filing of 7-21-2008. Claims 1 and 3-12, 15, 22-28, 31, 34-37 are pending and have been considered below:

It is noted that this case has been withdrawn from issue, as per Notice mailed 3/27/2009.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3- 7, 9, 10 12, 15, 22, 23, 25, 26, 28, 31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1) in view of Davidson (US 5627567) and Vargas (5748512).

**Claims 1 and 34:** Chua discloses a method and computer readable medium comprising:

associating areas of a touch interface of a mobile electronic device with letters wherein at least some of the associated areas are defined to overlap with one another (Page 2, Paragraph 23 and 24) ;

detecting a location of a user's touch on said touch interface and for each area of said touch interface which includes said location, identifying the letter associated therewith (Page 2, Paragraph 19 and 20).

However Chua does not explicitly show an intermediate region that represents more than one letter. However Davidson shows the functionality of providing control areas with extended regions which form an intermediate region (Figure 9, Column 18, Lines 7-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the functionality of Davidson to provide the intermediate regions in Chua to represent multiple letters. One would have been motivated to use the functionality of an intermediate region to improve user selection and error control.

Nor does Chua explicitly disclose wherein for at least one particular letter, an area of said one or more touch interfaces associated with said particular letter is bounded by joining the centers of letters nearest to the particular letter. However Vargas discloses a functionality of associating a center point of letters associated with the intended selection. (Figure 2, Column 5, Line 40-Column 6, Line 7). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the functionality of associating the centers of letters in Chua as taught in Vargas. One would have been motivated to provide this functionality to offer an improved method of determining the intended selection by the user when multiple options are present.

**Claim 3:** Chua, Davidson and Vargas disclose a method as in Claim 1 and further discloses if two or more letters are identified, using predictive software text to determine which of said identified letters said user intended to select (Chua: Page 2, Paragraph 23; Page 5, Paragraph 55).

**Claim 4:** Chua, Davidson and Vargas disclose a method as in Claim 3 and further discloses providing said predictive software text with an indication that said location is closer to one of said identified letters than to others of said identified letters(Chua: Page 2, Paragraph 23; Page 5, Paragraph 55).

**Claim 5:** Chua, Davidson and Vargas disclose a method as in Claim 3 and further discloses providing said predictive software text with an indication of how much closer said location is to one of said identified letters than to others of said identified letters (Chua: Page 2, Paragraph 23; Page 5, Paragraph 55).

**Claim 6:** Chua discloses a mobile electronic device comprising:  
one or more touch interfaces to receive a touch by a user (Page 2, Paragraphs 19 and 20);  
means for displaying one or more rows of letters (Page 2, Paragraphs 19 and 20);  
means for associating overlapping areas of said one or more touch interfaces with said letters wherein at least some of the areas are defined to overlap with one another (Page 2, Paragraphs 19-24);

and a microprocessor configured to identify which letters are associated with said areas of said one or more touch interfaces that include a location of said touch (Page 2, Paragraphs 22 and 26).

However Chua does not explicitly show an intermediate region that represents more than one letter. However Davidson shows the functionality of providing control areas with extended regions which form an intermediate region (Figure 9, Column 18, Lines 7-14). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to use the functionality of Davidson to provide the intermediate regions in Chua to represent multiple letters. One would have been motivated to use the functionality of an intermediate region to improve user selection and error control.

Nor does Chua explicitly disclose wherein for at least one particular letter, an area of said one or more touch interfaces associated with said particular letter is bounded by joining the centers of letters nearest to the particular letter. However Vargas discloses a functionality of associating a center point of letters associated with the intended selection. (Figure 2, Column 5, Line 40-Column 6, Line 7). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the functionality of associating the centers of letters in Chua as taught in Vargas. One would have been motivated to provide this functionality to offer an improved method of determining the intended selection by the user when multiple options are present.

**Claim 22:** Claim 22 is similar in scope to Claim 6 and is rejected with the same rationale.

**Claim 7:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces is a single touchpad (Chua: Page 2, Paragraphs 18-20).

**Claim 23:** Claim 23 is similar in scope to Claim 7 and is rejected with the same rationale.

**Claim 9:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 6 above wherein said one or more touch interfaces are two or more touchpads (Chua: Page 2, Paragraphs 18-20).

**Claim 25:** Claim 25 is similar in scope to Claim 9 and is rejected with the same rationale.

**Claim 10:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 6 above and further discloses where said one or more touch interfaces is a single touchscreen (Chua: Page 2, Paragraphs 18-20).

**Claim 26:** Claim 26 is similar in scope to Claim 10 and is rejected with the same rationale.

**Claim 12:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 10 above and discloses where for at least one particular letter, an area of said touchscreen associated with said particular letter is overlapped by an area of said touchscreen associated with a different letter of an adjacent row (Chua: Page 2, Paragraphs 19-24).

**Claim 28:** Claim 28 is similar in scope to Claim 12 and is rejected with the same rationale.

**Claim 15:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 6 above and further discloses that said microprocessor is configured to execute a predictive software text module to determine which of said identified letters said user intended to select (Chua: Page 2, Paragraphs 18-20).



**Claim 31:** Claim 31 is similar in scope to Claim 15 and is rejected with the same rationale.

**Claim 35:** Chua, Davidson and Vargas disclose a medium of claim 1, wherein the method further comprises if two or more letters are identified, using predictive text software to determine which of said identified letters said user intended to select (Vargas: Column 5, Line 25-Column 6, Line 7).

3. Claims 8, 11, 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1), Davdison (5627567) and Vargas (5748512) in further view of Moon et al (US 6259436 B1)

**Claim 8:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 7 above but do not explicitly disclose that said rows of letters are spaced at a sufficient vertical distance that there is no ambiguity as to which row of letters is being touched. However Moon discloses an apparatus and method for determining selection of touchable items on a computer touchscreen by an imprecise touch and further discloses having sufficient space on a touchscreen and or keyboard (Column 4, Lines 41-49) (Column 5, Lines 1-15). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to also provide sufficient space on a keyboard

of the modified Chua. One would have been motivated to provide sufficient space between letters to cut down on the high risk of errors.

**Claim 24:** Claim 24 is similar in scope to Claim 8 and is rejected with the same rationale.

**Claim 11:** Chua, Davidson and Vargas disclose a mobile electronic device as in Claim 10 above but does not explicitly disclose that said rows of letters are spaced at a sufficient vertical distance that there is no ambiguity as to which row of letters is being touched. However Moon discloses an apparatus and method for determining selection of touchable items on a computer touchscreen by an imprecise touch and further discloses having sufficient space on a touchscreen (Column 4, Lines 41-49). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to also provide sufficient space on the keyboard representation of Chua. One would have been motivated to provide sufficient space between letters to cut down on the high risk of errors.

**Claim 27:** Claim 27 is similar in scope to Claim 11 and is rejected with the same rationale.

4. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chua (US 2004/0183833 A1), Davidson (5627567) and Vargas (5748512) in further view of Robinson et al ("Robinson" US 6801190 B2).

**Claim 36:** Chua, Davidson and Vargas disclose a medium of claim 35, but do not explicitly disclose wherein the method further comprises: providing said predictive text software with an indication that said location is closer to one of said identified letters than to others of said identified letters. However Robinson discloses a touch screen system with a functionality of determining which letter is closet to the point of contact to provide the word choice list (Column 23, Line 50-Column 24, Line 5). Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to provide the functionality of Robinson in the modified Chua. One would have been motivated to provide the functionality to improve accuracy when attempting to offer a selection to the user.

**Claim 37:** Chua, Davidson and Vargas disclose a medium of claim 35, but do not explicitly disclose wherein the method further comprises: providing said predictive text software with an indication of how much closer said location is to one of said identified letters than to others of said identified letters. However Robinson discloses a touch screen system with a functionality of determining which letter is closet to the point of contact with a calculated distance in order to provide the word choice list (Column 23,

Line 50-Column 24, Line 5). Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to provide the functionality of Robinson in the modified Chua. One would have been motivated to provide the functionality to improve accuracy when attempting to offer a selection to the user.

### ***Response to Arguments***

5. Upon further consideration examiner has come across newly cited prior art which provides the limitations which were originally indicated allowable. Vargas has been provided to read upon the limitations of joining the letters by the center. (see rejection above).
6. Additionally, applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

6-6-09

/William L. Bashore/  
Supervisory Patent Examiner, Art Unit 2175